

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 9

April 26, 2013

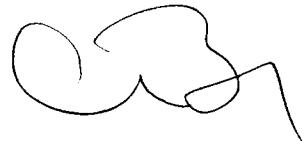
SUBJECT: DEPARTMENT MANUAL SECTION 3/610.19, PURCHASE OF CONCEALABLE FIREARMS/LARGE CAPACITY MAGAZINES BY SWORN OFFICERS - RENAMED AND REVISED.

PURPOSE: In order to ensure consistency and to provide a definitive procedure for sworn officer purchases of controlled firearms, this Order renames and revises Department Manual Section 3/610.19, *Purchase of Firearms/Large Capacity Magazines by Sworn Officers*. This section has been revised to include the procedure for requesting the purchase of an assault weapon as well as to provide direction for the private purchase of Department approved shotguns.

PROCEDURE: Attached is the revised Manual Section 3/610.19, *Purchase of Firearms/Large Capacity Magazines by Sworn Officers*, with revisions in italics.

AMENDMENTS: This Order amends Section 3/610.19 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 9, 2013

610.19 PURCHASE OF FIREARMS/LARGE CAPACITY MAGAZINES BY SWORN OFFICERS.

When an officer requests to purchase an authorized on-duty or off-duty firearm and/or large capacity magazine(s) without waiting the normal 10-day waiting period, Area/division commanding officers may issue a waiver letter. This waiver letter will allow officers to take possession of purchased firearms and/or large capacity magazines immediately, without waiting the 10-days required of purchasers who are part of the general public.

When requesting to purchase a controlled weapon, such as an assault weapon as defined by the California Department of Justice, only the Chief of Police or his or her designee may sign the state mandated forms and waiver letter. Bureau and Divisional Commanding Officers are specifically prohibited from approving the private purchase of controlled weapons.

*Except by direction of the Chief of Police or his or her designee, waiver letters for Department-approved shotguns **will not** be generated. Officers must purchase shotguns according to existing local and state laws and procedures and will be bound by any existing waiting periods.*

Any officer who has difficulty in securing the release, after a waiver letter has been issued, of a firearm and/or large capacity magazine(s) from a gun dealer prior to the normal 10-day waiting period *must* not insist upon the early release of the weapon and/or magazine(s). When appropriate, the officer *must* contact and be guided by the direction of his/her commanding officer who may, at his/her discretion, refer the dealer to the Supervisor, Dangerous Weapons Control Section, State Department of Justice.

Officer's Responsibility. Officers requesting a 10-day waiver letter to purchase an authorized on-duty or off-duty firearm and/or large capacity magazine(s) *must* request and obtain approval from his/her commanding officer. Officers *must* indicate the name and address of the business where the firearm/large capacity magazine(s) will be purchased and a complete description of the firearm and/or large capacity magazine(s) to be purchased including the type, make, model, barrel length, finish, capacity and caliber. The firearm *must* be on the Department's Approved Firearms list maintained by the Firearms Training Unit (FTU), Training Division.

Officers requesting to purchase a patrol rifle must obtain approval and/or waiver letters from the Director, Office of Administrative Services, who is authorized by the Chief of Police to approve the private purchase of a patrol rifle.

Commanding Officer's Responsibility. Upon receipt of a request of a 10-day waiting period waiver letter, the commanding officer *will* either approve or deny the request. The commanding officer's approval also certifies that the officer has no restrictions on his/her ability to carry a firearm or possess large capacity magazines (e.g., domestic violence conviction, subject to a court order, etc.). Upon approval of the request, a waiver letter *will* be completed for Department approved firearms and a separate waiver letter *will* be completed for large capacity magazines.

Commanding Officers are to direct all requests for the purchase of patrol rifles to the Director, Office of Administrative Services, who is authorized by the Chief of Police to approve the private purchase of patrol rifles.

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VOLUME III
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Note: In compliance with the Bureau of Criminal Information and Analysis, California Department of Justice, the Department is prohibited from using the California Law Enforcement Telecommunications System to access State summary criminal history information to determine if an officer is prohibited from possessing a firearm(s).

Exigent Circumstances. In the event of exigent circumstances, a waiver letter may be *approved for* an officer to purchase a firearm that is not authorized for on-duty or off-duty use (e.g., an officer needs a weapon to protect his/her family from a credible threat arising from his/her employment). In such cases, the officer's bureau commanding *officer* is authorized to grant the waiver. *The Bureau commanding officer's authority to sign a waiver letter does not extend to shotguns or assault weapons.*

Note: A waiver letter to purchase a firearm for the purpose of a shooting competition does not amount to an exigent circumstance.